

**2009SP-022-001**

Plowboy Mansion

Map: 049-00 Parcels: 140, 200.01, 319

Bordeaux/Whites Creek Community Plan

Council District 3 – Walter Hunt

Staff Reviewer: Brenda Bernards

A request to rezone from R15 and RS20 to SP-MU zoning for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres), to convert the existing residence into a regional tourist attraction known as "Plowboy Mansion" to permit special events, restaurant, tours of the residence, artisan distillery and micro-brewery, visitor center, specialty retail, seasonal performance entertainment venue, shuttle bus transportation around the facility, and memorabilia museum, requested by EDGE Planning/Landscape Architecture, applicant, for Fontanel Properties LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST Preliminary SP Rezone to allow for a mix of uses.**

A request to rezone from One and Two-Family Residential (R15) and Single-Family Residential (RS20) to Specific Plan-Mixed Use (SP-MU) zoning for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres), to convert the existing residence into a regional tourist attraction known as "Plowboy Mansion" to permit special events, restaurant, tours of the residence, artisan distillery and micro-brewery, visitor center, specialty retail, seasonal performance entertainment venue, shuttle bus transportation around the facility, and memorabilia museum.

**Deferral** This item was deferred by the Planning Commission in order to allow the applicant to meet with the District Councilmember and community representatives to continue the discussion on the proposed seasonal performance venue. At the October 8, 2009, Planning Commission meeting issues concerning the frequency of events, the size of the venue, noise, and traffic were raised.

*The applicant is working with the Councilmember to meet with the community members to discuss this issue further. The Councilmember has identified six issues regarding the outdoor entertainment venue that he would like the applicant to review and report back on including:*

1. *Scale back the number of shows per month.*
2. *Create a sound barrier on three sides of the stage.*
3. *Face the stage to the East.*
4. *Locate the stage as far to the Northeast as possible.*
5. *Conduct sound levels to determine decibels from several locations.*
6. *Measure the distance from the stage to the point where the decibels are to be taken.*

*A meeting, prior to the Planning Commission meeting, is being set up by the Councilmember and includes the applicant and community representatives to discuss the matter further. Staff may bring forward additional conditions of approval based on the outcome of this meeting.*

At the October 8, 2009, meeting, the Planning Commission questioned the consistency of the proposed SP with the existing Natural Conservation (NCO) and Rural (R) land use policies. The staff recommended approval with conditions based upon the following factors:

- The proposed use, scale and location of buildings are consistent with the intent of the policies to support low intensity development and preserve sensitive environmental features of the property.
- The proposed use, type of building and location of buildings supports the Whites Creek Historic District.
- The proposed SP will bring this property more into compliance with the intensity, design, building orientation and location of development envisioned by the policies than would the current zoning districts in place. Twenty acres along Whites Creek Pike are zoned R15 and 116 acres to the rear are zoned RS20. While the site has constraints in terms of floodplain and steep slopes, it is still

developable for one and two-family residences at a density higher than the one unit per two acres called for in the policy.

Currently, neither the NCO nor the R policy identifies commercial uses in the list of appropriate uses. At the time of the adoption of the Bordeaux/Whites Creek Community Plan in September 2003, however, both policies included low intensity commercial uses. In both cases, non-residential activities were to be neighborhood scale and generally comparable in scale to the residential uses in the area. The plan shows that proposed uses along Whites Creek Pike will be comparable to the residential uses in the area with the two existing houses to be adapted to a restaurant and office and the two new buildings having a rural character as required to support the Historic District. The storage facilities along the driveway will also be rural in character, small scaled and designed to preserve existing trees and the slopes. The outdoor entertainment venue is proposed to be available for use by community groups. While the venue will not be solely for private commercial purposes and would have some community facility function, it is larger than the neighborhood scale described in the original Land Use Policy Application (LUPA) policy. The applicant has argued that this is a key component of the overall project and is continuing discussion with the District Councilmember and the community on this venue.

With the adoption of the *revised* LUPA document in May 2004, the references to commercial uses were removed from these policies. In the Standard Policies for Areas Without Detailed Neighborhood Plans section of LUPA, Standard Policy 2 deals with non conforming development and allows for proposals to be considered on their merit in cases where the current zoning would allow for development that would not be in conformance with the policy and the proposed development would move towards conformance with respect to the type and intensity of development.

In addition to consideration of the policies, there is an added layer on this property as it is within the Whites Creek Historic District, Metro Nashville's only National Register-listed rural historic district. The Community Plan notes that development is encroaching on the Whites Creek Historic District at a rapid pace and that such development should be limited to avoid continued erosion of this historically significant rural landscape.

The Community Plan goes on to note that preservation of the area's rural heritage is critical to understanding the history of this section of the county. The type of development encouraged for this area includes conservation subdivisions, rural conservation overlays and roadway cross-sections appropriate for rural areas in order to preserve the rural character of the Whites Creek Historic District. The Community Plan discourages typical suburban design and subdivision of the property along Whites Creek Pike into small lots that front the road. New development is encouraged to blend into the natural landscape and protect the existing views from Whites Creek Pike.

The current R15 zoning would allow a continuation of the small lots fronting Whites Creek Pike. Approximately seven acres of land within the R15 zoning district would be considered buildable. The portion immediately fronting Whites Creek Pike can be developed in a manner similar to the development to the south, with 25 percent of the lots permitting duplexes. The potential development is 14 lots, with three duplex lots, for a total of 17 units. The R policy would support no more than 10 lots. The resulting lot pattern is contrary to the goal for the Whites Creek Historic District which is to "preserve this unique rural district through sensitive development and design" (page 16). In addition, Standard Policy 5 of LUPA calls for all development proposals in a historic district to promote preservation and/or infill development that is compatible with the character of the area.

Approximately 46 acres of the RS20 portion of the property is outside of the floodway and contains slopes of less than 25 percent. The cluster lot subdivision option would permit lots as small as 10,000 square feet in size. The 46 acres could yield up to 200 lots but, this number is unlikely to be achieved. Staff estimates that a reasonable lot yield is 106 which exceeds the the 58 lots envisioned by the policy.

In conclusion, staff finds that while the proposed commercial uses are not consistent with the use provisions of the NCO and R policies as currently defined, at the time of adoption small scale commercial uses were considered appropriate in these policy areas. While the outdoor entertainment venue is larger

than neighborhood scale and will include commercial activities, it will only be used intermittently and also be available as a community facility. In terms of built intensity and form, open space conservation, and preservation of rural character, the proposed SP brings this property more in line with the land use policy intent than does the current zoning, and better addresses the overarching vision of the Bordeaux-Whites Creek Plan to preserve rural lands. Further, with consideration of the Whites Creek Historic District and the desire to keep this area rural in character, the proposed SP supports this goal while the current zoning does not.

On balance, the proposed SP, in this particular circumstance, is found to be more consistent with the intent of the NCO and R policies and supportive of the Historic District, providing a development concept by which the environmentally sensitive features and the rural area can be preserved than the current zoning.

### **Existing Zoning**

**R15 District** - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots. *Under the existing R15 zoning the 19.86 acres would permit a maximum of 61 units.*

**RS20 District** - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *Under the existing RS20 zoning the 116.18 acres would permit a maximum of 215 units.*

### **Proposed Zoning**

SP-MU District Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes a mix of uses.*

### **CRITICAL PLANNING GOALS**

- Preserves Sensitive Environmental Features
- Preserves Historic Resources

The majority of this property contains steep slopes and floodplain. Whites Creek crosses the property. Much of the proposed new development will be focused along Whites Creek Pike, minimizing the disturbance to the floodplain. A limited number of storage buildings will be placed in areas of the property with slopes but will avoid slopes of 25 percent or greater. Any building located on slopes between 20 and 25 percent will be required to follow a process similar to the Critical Lot process of the Subdivision Regulations in order to obtain a building permit. While none of the buildings on the property are historic in nature, the Whites Creek Pike frontage is within the Whites Creek Historic District which encourages new development to blend into the rural character of the area. The SP will reuse the existing buildings, two residences and a barn. New development will within this SP will be rural in nature meeting the intent of the District to maintain its rural character.

### **BORDEAUX/WHITES CREEK COMMUNITY PLAN**

#### **Existing Policy**

**Natural Conservation (NCO)** NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

**Rural (R)** R is intended for areas that are physically suitable for urban or suburban development but the community has chosen to remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate.

**Whites Creek Historic District** This property is within Nashville's only National Register-listed rural historic district. Development is encroaching on the Whites Creek Historic District and should be limited to reduce negative impacts on this significant area.

Conservation subdivisions, rural conservation overlays and roadway cross-sections appropriate for rural areas should be used to preserve the rural character of the Whites Creek Historic District. The plan discourages typical suburban design and subdivision of the property along Whites Creek Pike into small lots that front the road. New development should blend into the natural landscape and protect the existing views from Whites Creek Pike.

**Consistent with Policy?** Yes with an explanation. The NCO and R policies are intended to preserve, in a natural and rural state respectively, the areas in Nashville/Davidson County to which they are applied. In the attempt to preserve environmentally sensitive lands and rural lands, the NCO and R policies do not allow commercial uses. As such, the proposed commercial uses of this SP are not, strictly speaking, consistent with the NCO and R policies.

Staff recognizes, however, that the proposed SP will support and implement the intent of the NCO policy because in the proposed SP, the majority of the 136 acres that are in NCO policy will be left undeveloped. Likewise, the form of the development – building types, locations, orientation, etc. – in the R policy, meets the intent of the R policy by providing an opportunity to create a rural hamlet form, in a way that could enhance the Whites Creek Historic District.

The proposed Plowboy Mansion SP, in this particular circumstance is, therefore, found to be consistent with the intent of the NCO and R policies, providing a manner by which the environmentally sensitive features and the rural area can be preserved.

**PLAN DETAILS** The SP proposes to create a regional tourist destination on a 136 acre property on Whites Creek Pike north of Briley Parkway. Whites Creek crosses the property. The western portion of the property is primarily floodplain and floodway and the eastern portion is heavily treed and steeply sloped. The proposed development focuses on Whites Creek Pike in a small portion of the floodplain and on the portion of the property with less than 25 percent slopes. Most the property will remain undeveloped.

The focal point of the SP is the Fontanel Mansion (hereinafter the mansion). The mansion will serve as a special events center and daily tours will be offered with the approval of this SP. Uses proposed to complement the mansion and complete the tourist destination include a full service restaurant, gift shop, museum, micro brewery, artisan distillery, tour bus display, a seasonal performance venue, trails, and associated parking.

In addition to the mansion there are existing buildings on the property which will be adaptively re-used as part of the overall SP. Proposed new buildings include a brewery/distillery, museum and storage buildings for the alcohol produced on site. A stable has been identified as a potential future use but no details on this have been included in the plan. New development is proposed to be located along Whites Creek Pike and storage buildings are proposed along the driveway to the mansion. The SP includes examples of the proposed building types and materials, all of which are designed to enhance the rural feel of the property. The storage buildings, which will be located in the rear of the property and required to be separated, are proposed for the portion of the property with slopes less than 25 percent.

The SP is proposed to be developed in three phases.

**Phase I** The uses proposed for Phase I will be incorporated into the existing structures. These include the two existing houses remaining for residential use, the mansion as a special events center, which will also be available as a Bed and Breakfast to special events patrons, and a helistop.

Special event parking is proposed adjacent to Whites Creek Pike. Parking is to be screened in order to support the Whites Creek Historic District. As the access to the mansion is by a narrow driveway, visitors will be transferred to the mansion via a shuttle bus.

Initially, Phase I parking will be accommodated on the grass. The plan proposes that permanent, pervious parking surface will be constructed with Phase II for the daily visitors and patrons of events at the mansion.

No specific time within Phase II is proposed. Staff is recommending that this surface be constructed no later than one year after the Council approval of the SP or prior to the issuance of permits for any portion of Phase II, whichever comes first.

**Phase II** In Phase II the existing residences will be converted to a restaurant and office/storage spaces. An organic garden is proposed to supply the restaurant with seasonal produce. The garden, no greater than 5 acres in size, will be located in the field north of the existing barn along Whites Creek Pike.

Tours of the mansion will be offered. The existing barn will be used as the visitor center and shuttle bus stop. Visitors will purchase tickets at the visitor center and a small shuttle bus will transport visitors to the mansion for self-guided tours. Displays of tour buses will be located on an existing bus parking pad. New development includes a brewery/distillery. Tours of the brewery/distillery will be added as part of the daily tourist attraction.

Included in this phase is the seasonal performance venue with lawn seating for up to 2,500 people. Permanent improvements will be limited to a platform stage with overhead cover and minimal lighting and an approximately 3,000 square foot pavilion. There will be no permanent seating provided. All seating will be accommodated on the lawn. Temporary tents are proposed for the outdoor venue to accommodate food and beverage vendors. Parking for the outdoor venue will be accommodated on the grass area west of Whites Creek.

The applicant has proposed that events at this outdoor venue be limited to dates between May and October with a maximum of six events per month. This would allow for the outdoor venue to be used for 36 days maximum per year.

**Phase III** Phase III will include the addition of a memorabilia museum located near the visitor center and a trail system in the eastern portion of the property. Liquor storage facilities are also included in this phase. These will be up to ten in number at no greater than 5,000 square feet each. They are proposed to be located in areas that minimize the removal of any trees greater than six inches DBH and avoid slopes greater than 25 percent. Any buildings located on slopes between 20 and 25 percent, will be reviewed and approved by staff using the process for any buildings proposed for critical lots as defined in the Subdivision Regulations. The long term vision includes a stable for horses in Phase III. The stable location, size and design have not been included in the plan. The stable will need to be reviewed and approved by Planning staff and may require Planning Commission or Council approval.

**Building Materials and Design** The SP includes examples of buildings and a listing of permitted and prohibited materials. As the examples are illustrative, the plan notes that all buildings will be reviewed and approved by Planning staff. The building examples provided are rural in nature and will contribute to the Whites Creek Historic District.

**Access/Parking** The property will be accessed from three driveways along Whites Creek Pike. Two of these driveways are currently in place, the third will be relocated in order to better facilitate the flow of the proposed daily visitor parking lot. All parking will be provided west of Whites Creek and visitors will be shuttled to the mansion. Whites Creek is crossed by a single lane bridge. Phase I parking will be accommodated on the grass. A permanent, pervious parking surface will be constructed with Phase II for daily visitors. This parking will be screened from Whites Creek Pike. Parking for the performance venue will be accommodated on the grass.

**Signs** In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs will include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Permitted signs will include building signs and freestanding ground signs. As noted on the plan, all signs shall be reviewed and approved by Planning staff.

**Traffic Impacts** The applicant prepared a Traffic Impact Study (TIS) to determine the impacts of the proposed uses on Whites Creek Pike. The TIS concluded that the traffic generated by the daily activities

and the special events proposed to be held in the mansion would be minimal. The traffic generated by the outdoor venue events would have more impact, but the TIS concluded that these would be manageable. The TIS anticipated that most traffic leaving the site would turn right (north) to Old Hickory Boulevard and then to I-24. The TIS recommended that the intersection of Whites Creek Pike and Old Hickory Boulevard, as well as the two main site access points, be managed by an off-duty police officer for any events anticipated to have an attendance exceeding 750 people. A special permit is required when an off-duty police officer is needed to manage the traffic. Public Works has reviewed the TIS and has included additional requirements to manage the traffic generated by the proposed SP. These are described below

**Community Outreach** On September 29, 2009, the applicant held a meeting to present the proposed project to the community. The meeting was well attended. Generally, the response to the proposal was favorable. The greatest concerns raised involved the impact of the outdoor performance venue, particularly in terms of noise and traffic. There were also concerns regarding the number of events that could occur each season. The applicant indicated a willingness to work with the community on the scheduling of events. Staff is recommending that, prior to final site plan approval of the outdoor venue, the applicant work with the District Councilmember and the community to establish an appropriate frequency of outdoor events.

**STORMWATER RECOMMENDATION** Preliminary SP approved.

#### **FIRE MARSHAL RECOMMENDATION**

- Actual or projected fire hydrant flow data shall be provided showing compliance with the Fire Code before a building permit will be issued.
- More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.
- When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with nationally recognized standards.
- The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft.
- Developer needs to provide more information to the Fire Marshal's Office.
- All applicable fire codes shall be adhered to.
- Actual or projected fire hydrant flow data shall be provided showing compliance with the Fire Code before a building permit will be issued.
- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B
- Provide Civil Plans which show water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations.

#### **NES RECOMMENDATION**

- 1) Developer to provide a civil duct and gear (pad/switch) locations for NES review and approval.
- 2) Developer drawing should show any existing utilities easements on property and the utility poles and the existing NES ugrd facilities on the property and/or r-o-w.
- 3) A 20' PUE along Whites Creek Pike is required.
- 4) A 20 foot easement is required to be centered over the existing/future underground conduits and equipment.
- 5) NES can meet with developer/engineer upon request to determine electrical service options. Schedule meeting with ESE and Customer engineering will attend.
- 6) NES needs any drawings that will cover any road improvements to Whites Creek Pike that Metro Public Works will require.
- 7) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ [www.nespower.com](http://www.nespower.com)).

## **HISTORICAL COMMISSION RECOMMENDATION**

The proposed SP rezoning is within the boundaries of the National Register-listed Whites Creek Rural Historic District. Although the rural historic district has been somewhat compromised by inappropriate suburban residential development in the area, additional new development and construction, especially that visible from Whites Creek Pike, should not further detract from the rural nature of the historic district. Any new construction should remain rural in design, and proposed parking expansions should be screened from the road as much as possible so as not to further detract from the rural nature of the historic district.

## **PUBLIC WORKS RECOMMENDATION**

- All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
- Submit a structural engineering report evaluating the use of the existing bridge.
- Phase 1:
  - Provide adequate intersection and stopping sight distance at all project access drives onto Whites Creek Pike per AASHTO standards for the posted speed limit.
  - The center access drive onto Whites Creek Pike as shown on the plan shall be constructed with one entering lane and two exiting lanes (LT and RT) with a minimum of 100 feet of storage between the east edge of Whites Creek Pike and the first internal parking space or drive aisle.
  - The southernmost access drive onto Whites Creek Pike as shown on the plan shall be constructed with one entering lane and two exiting lanes (LT and RT) with a minimum of 150 feet of storage between the east edge of Whites Creek Pike and the first internal parking space or drive aisle.
  - The main driveway to the existing "mansion" shall be modified to provide a minimum of three pull-off/pass-by areas with appropriate signage.
- Special Event Traffic Management:
  - Special events for Phase 1 of this development should be limited to a maximum capacity of 750 attendees.
  - Special events for Phase 2 of this development should be limited to a maximum capacity of 2500 attendees.
  - For special events that will exceed 400 attendees, active traffic management shall be provided at the access drives onto Whites Creek Pike before and after the event to ensure safe and efficient movement of traffic.
  - For special events that will exceed 750 attendees, active traffic management shall be provided at the access drives onto Whites Creek Pike before and after the event to ensure safe and efficient movement of traffic. Active traffic management shall also be provided at the signalized intersection of Whites Creek Pike and Old Hickory Boulevard before and after the event to ensure safe and efficient operation of the intersection. Signal modifications may be required to accommodate this.
- Prior to implementing Phase 2 of the proposed development, approval shall be required from Metro Public Works to ensure that existing traffic conditions have not significantly changed from what was identified in the original traffic study.
- The applicant shall be required to submit a traffic letter/report to Metro Public Works for review and approval that describes the operation of the development during large events. This report shall be submitted one year following the approval of both Phase 1 and Phase 2. Based on the findings of the report, additional conditions may be required.
- Parking requirements:
  - For Phase 1 of this development, a minimum of 100 parking spaces shall be provided. Construct this parking area and the access drives from Whites Creek to this parking area with asphalt or concrete, or some other hard-surfaced dustless materials.

- For Phase 2 of this development, space shall be provided to accommodate a minimum of 1,000 parked vehicles for the seasonal special events in addition to the 100 spaces provided in Phase 1.

**STAFF RECOMMENDATION** Staff recommends approval with conditions of the SP. Staff finds that the form of the proposed development and the magnitude of land that will not be used, but preserved in its existing state, results in a proposal that meets the intent of the NCO and R policies and enhances the Whites Creek Historic District.

## **CONDITIONS**

2. The surface parking area for the daily visitors and patrons of the mansion shall be constructed no later than one year after the Council approval of the SP, or prior to the issuance of permits for any portion of Phase II, whichever comes first.
3. Any new buildings to be located on slopes between 20 and 25 percent, shall be reviewed and approved by Planning staff using the process for any buildings proposed for Critical Lots as defined in the Subdivision Regulations.
4. The location, size, and design of the stable building proposed for Phase III shall be reviewed and approved by staff and may require Planning Commission or Council approval.
5. Prior to final site plan approval for the Seasonal Performance Entertainment Venue in Phase II the applicant shall work with the District Councilmember and the community to establish an appropriate frequency of outdoor events in this venue.
5. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
6. Submit a structural engineering report evaluating the use of the existing bridge.
7. Phase I:
  - a. Provide adequate intersection and stopping sight distance at all project access drives onto Whites Creek Pike per AASHTO standards for the posted speed limit.
  - b. The center access drive onto Whites Creek Pike as shown on the plan shall be constructed with one entering lane and two exiting lanes (LT and RT) with a minimum of 100 feet of storage between the east edge of Whites Creek Pike and the first internal parking space or drive aisle.
  - c. The southernmost access drive onto Whites Creek Pike as shown on the plan shall be constructed with one entering lane and two exiting lanes (LT and RT) with a minimum of 150 feet of storage between the east edge of Whites Creek Pike and the first internal parking space or drive aisle.
  - d. The main driveway to the existing mansion shall be modified to provide a minimum of three pull-off/pass-by areas with appropriate signage.
8. Special Event Traffic Management:
  - a. Special events for Phase I of this development should be limited to a maximum capacity of 750 attendees.
  - b. Special events for Phase II of this development should be limited to a maximum capacity of 2500 attendees.
  - c. For special events that will exceed 400 attendees, active traffic management shall be provided at the access drives onto Whites Creek Pike before and after the event to ensure safe and efficient movement of traffic.
  - d. For special events that will exceed 750 attendees, active traffic management shall be provided at the access drives onto Whites Creek Pike before and after the event to ensure safe and efficient movement of traffic. Active traffic management shall also be provided at the signalized intersection of Whites Creek Pike and Old Hickory Boulevard before and after the event to ensure safe and efficient operation of the intersection. Signal modifications may be required to accommodate this.

9. Prior to implementing Phase II of the proposed development, approval shall be required from Metro Public Works to ensure that existing traffic conditions have not significantly changed from what was identified in the original traffic study.
10. The applicant shall be required to submit a traffic letter/report to Metro Public Works for review and approval that describes the operation of the development during large events. This report shall be submitted one year following the approval of both Phase I and Phase II. Based on the findings of the report, additional conditions may be required.
11. Parking requirements:
  - a. For Phase I of this development, a minimum of 100 parking spaces shall be provided. Construct this parking area and the access drives from Whites Creek to this parking area with asphalt or concrete, or some other hard-surfaced dustless materials.
  - b. For Phase II of this development, space shall be provided to accommodate a minimum of 1,000 parked vehicles for the seasonal special events in addition to the 100 spaces provided in Phase I.
12. The uses for this SP are limited to those uses as described on the plan.
13. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CN zoning district as of the date of the applicable request or application.
14. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
15. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
16. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Bernards presented and stated that staff is recommending approval with conditions.

Mr. James Lawson, 3969 Lloyd Road, spoke in favor of the proposed development.

Mr. Larry Graham spoke in favor of the proposed development.

Mr. Bill Thompson, 3832 Dry Fork Road, expressed issues with the proposed development.

Mr. George Herring, 6109 Beals Lane, spoke in opposition to the proposed development.

Mr. Bill Reynolds, 3667 Knight Drive, spoke in favor of the proposed development.

Mr. Ray Jenkins, 4022 Whites Creek Pike, spoke in opposition to the proposed development.

Mr. Wes Parker, 4560 Dry Fork Road, spoke in opposition to the proposed development.

Ms. Jean Thompson, 3832 Dry Fork Road, expressed issues with the proposed development.

Mr. Richard Trest, 4420 Whites Creek Pike, spoke in favor of the proposed development.

Mr. Don Majors, 3937 Lloyd Road, spoke in favor of the proposed development.

Mr. Jim Graves spoke in favor of the proposed development.

Mr. Mark Oswald, 329 Harbor Drive, spoke in favor of the proposed development.

Mr. John Haas, 210 12<sup>th</sup> Avenue South, spoke in favor of the proposed development. He also submitted information to the Commission for the record.

Mr. Tom Morales, 6394 Temple Road, spoke in favor of the proposed development.

Mr. Ponder spoke in favor of the proposal and commended the Councilmember, the community and the developer for their ability to reach the various compromises that allowed the project to move forward. He requested clarification on the proposed name for the facility.

The owner offered that the facility would be called "The Mansion at Fontanel".

Mr. Jones stated she too was in favor of the proposal.

Ms. Cummings acknowledged the various compromises reached by all interested parties. She encouraged the owner to continue his meetings with the community as the project moved through its phases. She spoke of including the condition that limited the number of outdoor concerts that could be held at the facility, as well as a condition that would require that the final phases of the project be brought back before the Commission.

Ms. Bernards clarified the phases in which the proposal would be brought back before the Commission, as suggested by Dr. Cummings.

Mr. Gotto questioned whether the requested final site plan review was a normal procedure followed by the Commission.

Mr. Bernhardt offered explanation for final site plan reviews to the Commission.

Mr. Tyler requested clarification on the various building uses proposed within the development.

Ms. Bernards explained each of the proposed building uses contained in the development as well as which phase of the development the buildings would undergo changes.

Mr. Tyler questioned the type of liquor use that would be permitted in the full-service restaurant.

Ms. Bernards explained that the full-service restaurant would serve beer and wine. She also explained that liquor could be used at the mansion for special events. She briefly explained the types of events that could be held at the mansion.

Mr. Tyler questioned where the public parking would be located within the proposal.

Ms. Bernards explained the parking location as well as the shuttle service that would be used for special events. She explained that there was maximum limit of 150 persons allowed for each event as determined by the Fire Marshal.

Mr. Tyler requested additional clarification on the uses of the mansion.

Ms. Bernards explained the uses to the Commission.

Mr. Gee mentioned the Mayor's Green Ribbon Committee and one of their charges, which was to preserve open space, while at the same time incorporate economic development. He spoke on how the proposed development accomplished this task, and that he was in favor of its approval.

Mr. Gotto acknowledged and commended Councilmember Hunt for his work in bringing the neighborhood together for this development.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to approve with conditions, Zone Change, 2009SP-022-001, including conditions that limit the events at the seasonal performance entertainment venue to one per month between May and October with two additional floating dates with a maximum of two events per month during May to October, that shall only occur on Friday, Saturday or Sunday and end by 10:30 p.m., and that an event shall only last one day, and that Planning Commission approval, including a public hearing, shall be required for any Final Site Plan for Phases II and III. (7-0)

#### **Resolution No. RS2009-140**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-022-001 is APPROVED WITH CONDITIONS, including conditions that limit the events at the seasonal performance entertainment venue to one per month between May and October with two additional floating dates with a maximum of two events per month during May to October, that shall only occur on Friday, Saturday or Sunday and end by 10:30pm and that an event shall only last one day, and that Planning Commission approval, including a public hearing, shall be required for any Final Site Plan for Phases II and III. (7-0)**

#### **Conditions of Approval:**

1. The surface parking area for the daily visitors and patrons of the mansion shall be constructed no later than one year after the Council approval of the SP, or prior to the issuance of permits for any portion of Phase II, whichever comes first.
2. Any new buildings to be located on slopes between 20 and 25 percent, shall be reviewed and approved by Planning staff using the process for any buildings proposed for Critical Lots as defined in the Subdivision Regulations.
3. The location, size, and design of the stable building proposed for Phase III shall be reviewed and approved by staff and may require Planning Commission or Council approval.
4. Prior to final site plan approval for the Seasonal Performance Entertainment Venue in Phase II the applicant shall work with the District Councilmember and the community to establish an appropriate frequency of outdoor events in this venue.
5. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
6. Submit a structural engineering report evaluating the use of the existing bridge.
7. Phase I:

- e. Provide adequate intersection and stopping sight distance at all project access drives onto Whites Creek Pike per AASHTO standards for the posted speed limit.
  - f. The center access drive onto Whites Creek Pike as shown on the plan shall be constructed with one entering lane and two exiting lanes (LT and RT) with a minimum of 100 feet of storage between the east edge of Whites Creek Pike and the first internal parking space or drive aisle.
  - g. The southernmost access drive onto Whites Creek Pike as shown on the plan shall be constructed with one entering lane and two exiting lanes (LT and RT) with a minimum of 150 feet of storage between the east edge of Whites Creek Pike and the first internal parking space or drive aisle.
  - h. The main driveway to the existing mansion shall be modified to provide a minimum of three pull-off/pass-by areas with appropriate signage.
8. Special Event Traffic Management:
- e. Special events for Phase I of this development should be limited to a maximum capacity of 750 attendees.
  - f. Special events for Phase II of this development should be limited to a maximum capacity of 2500 attendees.
  - g. For special events that will exceed 400 attendees, active traffic management shall be provided at the access drives onto Whites Creek Pike before and after the event to ensure safe and efficient movement of traffic.
  - h. For special events that will exceed 750 attendees, active traffic management shall be provided at the access drives onto Whites Creek Pike before and after the event to ensure safe and efficient movement of traffic. Active traffic management shall also be provided at the signalized intersection of Whites Creek Pike and Old Hickory Boulevard before and after the event to ensure safe and efficient operation of the intersection. Signal modifications may be required to accommodate this.
9. Prior to implementing Phase II of the proposed development, approval shall be required from Metro Public Works to ensure that existing traffic conditions have not significantly changed from what was identified in the original traffic study.
10. The applicant shall be required to submit a traffic letter/report to Metro Public Works for review and approval that describes the operation of the development during large events. This report shall be submitted one year following the approval of both Phase I and Phase II. Based on the findings of the report, additional conditions may be required.
11. Parking requirements:
- c. For Phase I of this development, a minimum of 100 parking spaces shall be provided. Construct this parking area and the access drives from Whites Creek to this parking area with asphalt or concrete, or some other hard-surfaced dustless materials.
  - d. For Phase II of this development, space shall be provided to accommodate a minimum of 1,000 parked vehicles for the seasonal special events in addition to the 100 spaces provided in Phase I.
12. The uses for this SP are limited to those uses as described on the plan.
13. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CN zoning district as of the date of the applicable request or application.
14. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected

copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

15. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
16. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**The proposed SP-MU district is consistent with the Bordeaux/Whites Creek Community Plan's Natural Conservation and Rural policies because the SP will conserve a majority of the land, utilize and preserve existing structures, and maintain the rural appearance along Whites Creek Pike."**